

**FINAL DRAFT**

**STATUS REPORT TO THE INDEPENDENT MONITOR  
SUBMITTED BY THE PARTIES TO THE COLLABORATIVE AGREEMENT**

The parties to the Collaborative Agreement, the Plaintiff Class, who is represented by the American Civil Liberties Union (ACLU) of Ohio; the City of Cincinnati and the Fraternal Order of Police (FOP) (collectively referred to as “the parties” or the collaborative partners”) submit this status report to the Independent Monitor, pursuant to Collaborative Agreement paragraph 105.

**Dated June 2, 2003**

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## **INTRODUCTION**

The ALCU, the City of Cincinnati and the FOP are parties to the Collaborative Agreement (CA). In addition, the City of Cincinnati has entered into a Memorandum of Agreement (MOA) with the United States Department of Justice. The MOA is appended to the CA and is enforceable solely through the mechanism of paragraph 113 of the Collaborative Agreement.

The purpose of the Collaborative Agreement is to resolve conflict, to improve community-police relations, to reduce crime and disorder, to fully resolve the pending claims of all individuals and organizations named in the underlying litigation, to implement the consensus goals identified by the community through the collaborative process, and to foster an atmosphere throughout the community of mutual respect and trust among community members, including the police. The parties recognized that there has been friction between some members of both the community and the Cincinnati Police Department (CPD). The ultimate goal of the agreement is to reduce that friction and foster a safer community where mutual trust and respect are enhanced among citizens and police.

Implementation of both agreements will not only reform police practice, but will enhance trust, communication, and cooperation between the police and the community. The settlements have fostered a union that has motivated all segments of the community to come together and focus on building the positive and productive relations necessary to maintain a vibrant city core and surrounding metropolitan area. The City of Cincinnati is enthusiastic and committed to this endeavor and has already begun initiatives to involve virtually all City departments in the process.

An Independent Monitor will oversee the two agreements. Consistent with the consensus decision-making process incorporated in the collaborative process, all collaborative partners unanimously selected the Independent Monitor.

The Monitor issued the Independent Monitor's First Quarterly Report ("Monitor's First Report") on April 1, 2003. The Report noted some areas in which the CPD had fully and partially complied with the CA, and noted other areas in which improvements were still required.

This Report is intended to advise the Monitor as to the substantial progress that the Parties have made since the Monitor's First Report was issued.

## A. SETTLEMENT AGREEMENT

*Item 10, The purposes of this Agreement are to resolve social conflict, to improve community-police relationships, to reduce crime and disorder, and to fully resolve all of the pending claims of all individuals and organizations named in the underlying litigation...*

### Monitor's Assessment

None Noted.

### Status Updated

Negotiations among the Parties regarding many of the lawsuits underlying the Collaborative Agreement resulted in a proposed settlement agreement for sixteen separate lawsuits. That settlement agreement was conditionally accepted by the United States Federal District Court for Southern Ohio on May 21, 2003. (See Attachment 1). Pursuant to that agreement the City will pay a sum of \$4,500,000.00 into a qualified settlement fund. Once that fund has been fully funded, all claims against the City filed by those sixteen complainants will be dismissed with prejudice. The Plaintiffs will then decide how those funds will be distributed among themselves.

The Parties hope that the settlement of the above claims will help eliminate a major impediment to establishing a better working relationship between the Cincinnati Police Department and the community.

## **B. COMMUNITY PROBLEM ORIENTED POLICING STRATEGY**

*Items 29a, The City, in consultation with the other Parties, shall develop and implement a plan to coordinate City departments with the CPOP focus of the CPD.*

### Monitor's Previous Assessment

The Monitor's report recommended that the City and the Parties research what other cities have done in regards to inter-agency collaboration to address crime and safety, and provide a written plan outlining guidelines for the inter-agency committee. The plan should include, who will chair the meetings, how services will be coordinated, priority-problems, and how they will be documented.

### Status Update

On a quarterly basis, at the City Manager's weekly Department Directors' meeting the progress of implementing CPOP is discussed. In addition to updating Departments about CPOP, it is expected that this forum will be used to identify City resources that can be brought together to address specific neighborhood objectives. On March 4, 2003 another quarterly discussion session was held with Department Directors. (See Attachment 2: PowerPoint presentation). City Manager Valerie Lemmie chaired the meeting. Chief Thomas Streicher and Lt. Janke conducted the presentation and answered questions. Many participated in the discussion by making recommendations and asking questions as they related to specific City department's involvement.

An Action Plan (draft) that provides the framework for coordinating all City departments with a CPOP focus on CPD has been developed. (See Attachment 3.) Websites for Aberdeen, Maryland ([www.aberdeen-md.org/policing.htm](http://www.aberdeen-md.org/policing.htm)), Concord, California ([www.cityofconcord.org/citygov/cog.htm](http://www.cityofconcord.org/citygov/cog.htm)), and Louisville, Kentucky ([www.louky.org/cop/cog1.htm](http://www.louky.org/cop/cog1.htm)) were researched during the development of this plan. As explained in the Action Plan, the SARA (scanning, analysis, response and assessment) problem solving process is a principal tool for community problem solving and is key to citywide implementation of CPOP. Specifically, Problem Coordinators will be assigned to each CPOP case. Problem Coordinators are police officers assigned by their District Commander to coordinate the SARA problem solving process. Also, the assigned Problem Coordinator will chair meetings, coordinate the delivery of city services to the community and document the SARA process on the CPOP web site.

In summary, the draft Action Plan defines how all City departments will coordinated with a CPOP focus as follows:

"Many problems will arise that are beyond the scope of the Police Department. These problems may be in the form of community blight, deteriorated infrastructure, poor lighting, etc. As problems surface that relate to areas beyond the jurisdiction of the Police Department, the City's Problem Coordinator will contact the appropriate City Department liaison to discuss the issue and develop possible resolutions."

To date, specific liaisons for the Departments of Buildings and Inspections, Public Services, Community Development and Planning and Health have been identified and documented on the pilot CPOP web site. (See Attachment 4 for a list of liaisons.)

*Item 29b, The Parties shall develop and implement a system for regularly researching and making available to the public a comprehensive library of best practices in community problem-oriented policing.*

#### Monitor's Previous Assessment

The Monitor noted that the problem solving materials located at the Police Academy needs to be accessible to the public. The Monitor recommended that "the Parties coordinate additional research on a best practices library with the University of Cincinnati's Criminal Justice Department..."

#### Status Update

CPD has worked with the Regional Computer Center to develop a pilot CPOP web site that, once populated, forms a database of problem solving activities. (See Attachment 5 for examples of the web site pages.) The draft CPOP web site address, <http://cagisperm.hamilton-co.org/cpop>, has been provided to the Plaintiffs for review and comment. The pilot CPOP web site links to Police Executive Research Forum's Police Oriented Policing Network, an existing and regularly updated database of national best practices in community problem solving. Furthermore, the web site contains links to other jurisdictions' Community Oriented Policing and Problem Oriented Policing programs throughout the United States. Planned partnerships with libraries, universities, recreation centers, community council offices, police substations, and others will be pursued to make access to the website readily available to community members and interested parties.

*Items 29c, The City, in consultation with the Parties shall develop a process to document and disseminate problem solving learning experiences throughout the Police department and the public.*

#### Monitor's Assessment

Emphasis should be placed on developing a system that calls for problem solving in field and in-service training. Such a system should include on-going reinforcement of problem solving model to new employees, supervisors, and management through coaching and evaluation training, and the development of more advanced systems in crime analysis and records management.

#### Status Update

As discussed, CPD has worked with the Regional Computer Center to develop a draft CPOP web site that provides information which includes the following: CPOP methodology, organizational structure, best practices, problem-solving efforts, City resource information, and community resource information. Once populated, the site will offer on-line accounts of effective, creative problem-solving and community-driven solutions to citizens and police officers. This will be accomplished through

the delivery of community problem-solving activities, including problem definition, analysis and response. (See Attachment 5 for examples of the web site pages.) Further, the problem solving methodology is incorporated into the police recruit curriculum and has been a topic in past in-service training sessions. Once the CPOP web site is fully developed and operational, it will be used by the Training Academy to disseminate problem-solving experiences as part of the annual in-service training.

*Item 29d, The Parties shall research best practices and unsuccessful methods of problem solving used by other professionals (e.g. conflict resolution, organizational development, epidemiology, military, civil engineering and business).*

#### Monitor's Assessment

The Monitor can better evaluate compliance once the results of the research, including a list of the agencies contacted and the professions researched, and the product and application of that research to CPOP has been completed.

#### Status Update

The CPD and the Community Partnering Center will collaborate on conducting research to identify a wide range of problem solving activities and practices, and accessing journals and web sites.

*Item 29e, The Parties, consistent with the Community Partnering Program shall conduct CPOP training for community groups, jointly promote CPOP and implement CPOP training.*

#### Monitor's Assessment

The Monitor stated, "Considerable progress has been made towards compliance" and acknowledged that the relationship of CPD and the Partnering Center needs to be defined. Next steps include adoption of a curriculum, a training delivery plan, and commencement of training and its field-testing.

#### Status Update

Pilot problem solving teams (Problem Oriented Policing Teams) have been established in the neighborhoods of Madisonville, Evanston, Walnut Hills, Over-the-Rhine, Avondale and West End. Cincinnati Community Action Now (CCAN) is an integral partner in ensuring participation of neighborhood stakeholders and coordinating six-hour community training sessions on the SARA model.

Police Department representatives are actively involved in the Teams in these communities. The pilot Teams may be transitioned to CPOP Teams as the Plaintiffs and City representatives continue to define roles and responsibilities. Progress continues to be achieved as evidenced in the attached correspondence between City Manager Valerie Lemmie and Plaintiff's Attorney Al Gerhardstein. (See Attachments 6 and 7, respectively.)

The Cincinnati Police Academy conducted 8-hour “SARA Train the Trainer” courses for approximately fifty police officers on April 18 and May 9, 2003. In addition, the Plaintiffs were invited to attend the SARA training, however, no one representing the Parties was able to attend. Additional sessions are being planned and once again the Plaintiffs representatives will be invited to attend. (See Attachment 6.) (See Attachments 8 and 9 for SARA training agenda, supporting documents and schedule.)

*Item 29f, The Parties shall coordinate efforts through the Community Partnership Program to establish an ongoing community dialogue and interaction including youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low-income residents and other city residents on purposes and practices of CPOP.*

#### Monitor’s Assessment

The Parties have not yet developed agreed upon training or informational materials.

#### Status Update

The Parties are engaged in ongoing dialogue on how to coordinate efforts undertaken through the Community Partnership Program. Preliminary work has been completed on developing the structure to reach the community. During the week of May 19, 2003, trained police officers began offering SARA Community Training to the neighborhoods of Oakley, Westwood, North Avondale, and College Hill. Community training opportunities will continue as indicated in Attachment 9. The revised schedule reflects the request made by the Plaintiffs to delay community training for three weeks. (See above Attachment 6.)

*Item 29g, The Parties shall establish an annual CPOP award program.*

#### Monitor’s Assessment

The Parties are encouraged to begin research on similar awards systems in other cities and counties.

#### Status Update

Research of best practices for recognition programs has begun. The preliminary research has brought forth a variety of information ranging from selecting a recognition program, to determining criteria for selection, marketing the program, hosting the event and evaluating the program. Once compiled and summarized, the information will be shared with the Parties to begin planning discussions.

*Item 29h, The City, in consultation with the Parties shall develop and implement a system for consistently informing the public about police policies and procedures. In addition, a communications audit shall be conducted and a plan will be developed and implemented to improve internal and external communications.*

#### Monitor’s Assessment



CPD has not completed the communications audit and improvements based on the audit's recommendations.

#### Status Update

CPD currently posts most of its policies and procedures on CPD's website. The availability of this information will be enhanced through the CPOP and Community Relations Unit web sites. The National Conference for Community and Justice (NCCJ) has entered into a contract with a consulting firm to perform the communications audit. The consultant has completed a draft report which is currently being reviewed by CPD.

*Item 29i, The CPD will create and staff a Community Relations Unit.*

#### Monitor's Assessment

The relationship between the CRU and the Compliance Coordinator, and the role of the CRU in implementing the CPOP requirements are not clear. The Monitor requested a copy of the job description for the CRU's Manager and staff, a list of work products completed, proposed budget, and clarification of the CRU's reporting authority.

#### Status Update

In accordance with the CA, a proposal for the Community Relations Unit (CRU) has been prepared. (See Attachment 10.) The CRU manager's job description and list of accomplishments from January 6 to May 5, 2003 are provided as part of this report. (See Attachments 11 and 12, respectively.)

The Manager of the CRU explained to Richard Jerome on April 24, 2003 that the CRU is a division of the Police Relations Section. The CRU Manager reports to the Executive Manager of Police Relations, S. Gregory Baker. Mr. Baker's responsibilities include being the Compliance Coordinator for the Department of Justice MOA and the implementation of the CA. The CRU Manager assists Mr. Baker in coordinating the implementation of the CA terms and conditions.

*Item 29j, The Parties shall describe the current status of problem solving throughout the CPD via an annual report. Each Party shall provide details on what it has done in relating to its role in CPOP.*

#### Monitor's Assessment

The Monitor is unable to assess compliance, as the annual report is not due until August 5, 2003.

#### Status Update

The preparation of the annual report will require further discussion among the Parties.

*Item 29k, CPD Commanders shall prepare quarterly reports that detail problem solving activities within the Districts. Reports shall identify specific problems and*

*steps taken by the City and community toward their resolution. Reports shall identify obstacles faced and recommendations for the future. Reports should be available to the public through the Community Relations Unit.*

Monitor's Assessment

"The website, when it comes online, will provide a good vehicle for publication of the quarterly reports." Until the website is on-line quarterly reports including, specific problems addressed, steps taken by the City and the community towards resolution, obstacles faced, and recommendation for future improvements must be prepared.

Status Update

The CPOP website will be the vehicle for documenting, tracking and reporting on problem solving activities. CPD will work with the Collaborative Partners to design a report format that is informative. Reports will be made available to the Community via the CPOP website and in printed copy distributed at CPOP and other community and business meetings.

*Item 29l, The Parties shall review existing Police Academy courses and recommend new ones in order to effectively and accurately inform police recruits, officers and supervisors about the urban environment in which they work.*

Monitor's Assessment

The Parties have not provided any information regarding a review of Academy courses, or designs and implementation of new courses.

Status Update

CPD Training Section anticipates working with the Community Partnering Center in the future to review and identify new Academy courses. The Academy staff has invited and the representatives from the Plaintiffs have attended police recruit training courses.

*Item 29m, The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system.*

Monitor's Assessment

The Monitor would like a description of how CPD's problem tracking form is recorded in the CPD system, and documentation of how the system will be updated, other systems explored, who will have access to the system, quality control and how will the system interface with case management and record management systems.

Status Update

Web site and database are in draft format, see current status under 29c. The City and the Plaintiff's agree that the CPOP Action Plan can be modified to read "The collaborative parties and the Center will use the problem tracking software developed by the CPD to track problems. Such software will be adapted and evolve as the

parties gain experience and further refine exactly what must be captured as well as who should have access to the information.” (See Attachment 13: letter from Al Gerhardstein to Valerie Lemmie.) On April 15, 2003, CPD met with the Monitor and Deputy Monitor to provide an update on progress made in the development of CPOP. During that meeting, much of the information requested in the Monitor’s Assessment was discussed and provided in writing.

*Item 29n, The City shall periodically review its staffing plan in light of its commitment under CPOP.*

#### Monitor’s Assessment

The Monitor Team looks forward to hearing CPD’s suggestions and steps to determine staffing.

#### Status Update

The CPD regularly reviews staffing requirements in order to match workload requirements with resources. In addition, to retain its CALEA (Commission on Accreditation of Law Enforcement Agencies) accreditation, CPD must regularly review its staffing plan. Once the proposed Record Management System (RMS) is fully developed and operational, systematic reviews of CPOP staffing requirements will be easily facilitated. The Records Management System is designed to allow the timely analysis of crime, track CPOP solutions, and staff deployment. Utilization of the RMS will enable managers to rightly align problem solving resource requirements with the necessary staffing.

*Item 29o, The City shall review and where necessary, revise police departmental policies and procedures, organizational plans, job descriptions, and performance evaluation standards, consistent with its commitment to CPOP.*

#### Monitor’s Assessment

We encourage CPD to begin CPOP related review of its policies, procedure, and performance evaluation system.

#### Status Update

Reviews will be conducted as determined by success and failures of problem solving efforts, community input, problem response evaluations and changes in statutory and case law.

*Item 29p, The City shall design a system that will permit the retrieval and linkage of certain information including repeat offenders, repeat victims, and/or locations.*

#### Monitor’s Assessment

The City has identified a vendor who will develop the RFP to design the system. The Monitor has requested that CPD provide a detailed description of the capabilities of the present system. In addition, the City should conduct research of systems used in other police agencies that are engaged in problem solving.

#### Status Update

Gartner Consulting has been selected to develop the Request for Proposal (RFP) for the Records Management System. Now under contract, Gartner has completed the first round of focus groups within CPD and has submitted a draft report for review. Currently, the contract scope is being considered for expansion to include the CAD system. The RMS RFP is projected to be finalized for publication within the next 3 to 6 months.

*Item 29q, The City, in consultation with the Parties, shall study and determine how to secure appropriate information technology for access to timely and useful information needed to detect, analyze and respond to problems and evaluate their effectiveness.*

#### Monitor's Assessment

The City shall continue to move forward with the data collection systems, while addressing the need for adequate problem solving system and staff to assist in conducting analysis.

#### Status Update

As previously stated, the Police Department is in the process of securing a record management system to collect data and allow effective access, use and analysis. A consultant has been selected to develop an RFP for inviting bids to create and implement the RMS. The RFP is expected to be published in 3-6 months.

## C. MUTUAL ACCOUNTABILITY EVALUATION

### Evaluation Protocol

*The provisions related to the Evaluation Protocol are located in paragraphs 30-46.*

#### Monitor's Assessment

The primary concern is the parties' reliance on a single entity to accomplish all of the requirements contained in the Evaluation Protocol. This suggests that the vendor selected would be required to perform all major component functions:

- Design and collect the required surveys
- Perform the necessary observations, data collection and analysis
- Review of mobile vehicle recorders
- Prepare annual report and evaluation functions

There was some question as to the willingness of a single entity to express interest in a project of this magnitude. Secondly, the draft RFP does not sufficiently define both internal and external data sources and related collection processes. Third, the protocol for interaction with the vendor has not been developed. Clarification is needed in the following areas:

- Disputes related to research methodology or other aspects of the evaluation
- Parties' point of contact for the vendor
- Role of the evaluator and the parties in the preparation of the annual report
- IT requirements for the Evaluation Protocol have not yet been related to current or proposed CPD data sources

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#### Status Update

On April 17, 2003, the Evaluation Committee of the Collaborative Implementation Team convened a conference call with the Deputy Monitor, Richard Jerome, to discuss the Monitor's Assessment. As a result of the meeting, the following items were resolved:

- Richard Jerome concurred with the Dr. Zaid Ansari, the consultant hired by the Parties to assist in the selection of a vendor, that there are many entities capable and willing to accomplish the requirements of the project.
- Although a single entity may become a vendor for the system, the Parties expect the prime contract to utilize subcontractors when necessary.
- The Parties will send bid documents to those entities identified by the Monitor as being suitable for the project.
- The Parties relayed that they will be responsible for preparing and submitting the annual report. The Parties expect the vendor to prepare a report on its findings and to answer the questions posed by the agreement. The Parties will use that report as a basis to prepare the annual report and evaluation.
- An appendix to the RFP will developed to address the following issues:
  1. List of internal data sources

2. CPD will declare the extent that it will collect, automate, and make data available to the contractor.
  3. Definition of the data sources that will become the responsibility of the contractor, such as survey process and responses
  4. Declaration that data analysis will become the responsibility of the contractor
  5. Description of data that is currently being captured electronically by CPD
  6. Notation that the data collection systems are subject to change
  7. The RFP will direct potential vendors to provide a detailed cost breakdown for the project. This will give the parties the ability to control project costs.
- Lieutenant Colonel Combs has been added to the Evaluation Committee of the Collaborative Implementation Team to coordinate CPD IT projects with the evaluation component.
  - Although the parties agreed that Ralph Renneker will be the primary point of contact with the contractor, the role of the Monitor will include, dispute resolution, technical assistance and review the work of the vendor and survey methodology

(See Attachment 14 for Notes from the Conference Call.)

(See Attachment 15 for a copy of the contract between the City of Cincinnati and Dr. Zaid A. Ansari.)

(See Attachment 16 for a copy of the draft RFP.)

## **D. DEPARTMENT OF JUSTICE MEMORANDUM OF AGREEMENT**

*The provisions of the Collaborative Agreement relative to the City's compliance with the Department of Justice provisions is contained in paragraph 47.*

### Monitor's Assessment

None Noted

### Status Update

Those policies modified by the Memorandum of Agreement (MOA) have been made available to the parties for their review. During this reporting period, the City has not yet received comments as a result of those reviews.

The City's progress in meeting the Department of Justice terms are documented in the MOA report to the Monitor filed on May 12, 2003.

## **Pointing Firearms Complaints**

*The provisions of the Collaborative Agreement related to the pointing of firearms are located in paragraph 48.*

### Monitor's Assessment

CPD has established an expedited process for handling pointing firearm complaints, but the Monitor has not received all of the investigative reports and complaints that resulted from the process.

### Status Update

CPD conducted a search of all complaints assigned to IIS and the CCRP process. As a result, forty-six complaints pertaining to allegations of inappropriate gun pointing by members of the Cincinnati Police Department were forwarded to the Monitor on April 25, 2003 for review. Although the Agreement specifically cites those incidents involving the pointing of a firearm, CPD also included some complaints alleging improper handling of firearms. Eleven of these cases were investigated and reviewed by the Firearms Pointing Board, which was established by the Chief of Police pursuant to paragraph 48c. Three of the cases were not sent to the Firearms Pointing Board because the Police Department was unable to speak with the complainant, and without that person's assistance, was unable to independently corroborate that any contact had occurred between the citizen and any member of the Police Department at the time, date, and location given in the complaint. The remainder of the cases were those that had already been investigated and adjudicated and, pursuant to paragraph 48 (b), were sent directly to the Monitor without any additional investigations.

In an effort to discern whether there was a "gun pointing" problem, the City made available to the Plaintiffs city facilities in which potential complainants could be interviewed. From October 12 through November 23, 2002 the City provided the Plaintiffs with an ample number of opportunities to accept gun-pointing complaints.

(While the total normal rental for the use of the facilities would have been \$5,625.00, the City waived those fees.) Each session was held on a Saturday, and lasted from 12:00 P.M. to 4:00 P.M. Consequently, persons living in different areas of the city had an opportunity to report any inappropriate gun pointing to a member of the plaintiff class. In addition to those special sites, persons could still file complaints at other locations throughout the city, such as at police districts or with any representatives of the plaintiff class.



**E. “TO ENSURE FAIR, EQUITABLE AND COURTEOUS TREATMENT FOR ALL”**

*Item 51, The City shall measure whether any racial disparity is present in motor vehicles stops by CPD.*

Monitor’s Assessment

The City is in the process of analyzing data collected for a six-month period in 2001. The monitor suggested that the City begin developing plans for collecting data after that period. The contract card should be revised to include whether or not force was used. In addition, policies and procedures for completing the contact card need to be established.

Status Updated

Dr. Eck, from the University of Cincinnati, is under contract to measure racial disparity in motor vehicle stops. A form to collect data by police officers performing vehicle stops has been developed. The data has been given to Dr. Eck for his analysis and all relevant CPD data has been downloaded into Dr. Eck’s computers. While there has been no written preliminary report by Dr. Eck, at the April meeting with Cincinnati Police Department representatives Dr. Eck did present some preliminary data analysis. The next meeting with Dr. Eck and CDP representatives is scheduled for May 28<sup>th</sup>, 2003, and will include an invitation to the Parties to attend. At this meeting, the methodology of both data collection and data analysis for traffic stops will be discussed. Although the work by Dr. Eck is pursuant to a specific city contract for a limited purpose, is anticipated that the work done by Dr. Eck may serve as a model for future data analysis. (See Attachment 17: minutes from May 28<sup>th</sup> meeting.)

*Item 52, All Parties shall cooperate in ongoing training and dissemination of information regarding Professional Traffic Stops Bias-Free Policing Training Program*

Monitor’s Assessment

In-service training on bias-free policing was provided in 2002 for CPD officers. The Monitor would like to see changes made in the 2002 Management training manual to reflect bias-free policing and documentation that shows the attendance of both officers and supervisors.

Status Update

Sworn Police Department personnel [supervisory and non-supervisory] completed the Professional Traffic Stops Bias-Free Policing Training Program in 2001 and all police recruits receive this training while in the Police Academy. Course outlines, training bulletins, CPD logs for roll call training, and CPD Academy courses have all been provided to the Monitor. (See Attachments 18-20: power point presentation lesson plan, approval notice, and attendance reports for Professional Traffic Stops and Management Training.)

*Item 53, Inclusion of detailed information including racial composition of those persons stopped, detained, searched, arrested or involved in a use of force in public reports.*

#### Monitor's Assessment

The Monitor identified the following problems in reaching compliance for this requirement:

- The City's data collection effort is hampered by the absence of a system to ensure timely and accurate data entry.
- The City has not selected any entity or individual to analyze data collected after December 2001.
- Contact Cards do not require the collection of information as to whether force was used during the stop, or the race of the officer.
- There are insufficient policies and procedures for ensuring that Contact Cards are filled out accurately, that they are reviewed by a supervisor, and that the data from them is entered into a database and analyzed as required by the CA.
- It is not clear how the CPD is compiling information received on Service Feedback forms and how the CPD is utilizing the information obtained.

#### Status Update

Data pertaining to the racial composition of persons stopped by the Police Department is being collected and will be provided to the Monitor. This data includes persons stopped for traffic violations and persons stopped for a field interview. [Procedure 12.554 (Investigatory Stops) allows officers the discretion of whether to complete a contact card for Terry stops since there is no criminal intelligence value to nor government interest in recording information of persons (pedestrians) involved in stops when it is later determined that they were not involved in conduct which violates a law.] While this information is being collected and converted into electronic format, no expert has yet been hired to analyze such information. The Request for Proposal [RFP] for data analysis has been completed and is ready to be published. The CPD is also in discussion with Dr. Robin Engel, University of Cincinnati, regarding the acquisition of Scantron equipment and software to expedite the entry of the backlog of Contact Cards into an electronic format.

Although Contact Cards do not require the collection of information regarding whether force was used during the stop, all incidents involving use of force [as defined by the MOA] are captured via a written report. The information from the written Use of Force reports is entered into a database and this information can be extracted and added to the information collected via contact cards. Further, Contact Cards contain the badge number of the officer conducting the stop. This information, which is entered into a database, can be linked to information contained in the Personnel database to identify the race of the officer who made the stop, and thus this information need not be entered on the Contact Card.

Current Contact Cards require supervisory audit and review to ensure that they have been properly completed. Contact Cards received at Records Section for entry are reviewed and if found incomplete, are forwarded to the Administration Bureau Commander for return to the initiating district/section for correction.

In July 2002, the Police Department instituted the Citizen Service Feedback Program that was designed to promote public response regarding the quality of service offered by the Cincinnati Police Department. It provides the citizen a convenient mechanism to share their experiences resulting from the many positive encounters that occur with members of our Department. Personnel Section tracks the number and type of Citizen Service Feedback forms submitted by citizens. A quarterly status report is prepared and submitted to the Police Chief indicating the feedback program experience. In addition, each positive feedback is noted in the employee's personnel jacket. Finally, each quarter the Police Chief publishes the status report in the Police Department staff notes. The staff notes are made available to all Police Department employees for review.

*Item 54, Officers shall explain to the citizens why her or she was stopped or detained in a professional, courteous manner, except in exigent circumstances*

#### Monitor's Assessment

There is a disagreement concerning the circumstances under which a police officer must explain the reason for a stop of a citizen and the definition of the term "exigent". The Monitor has requested that CPD provide training materials or other written explanations relating to how officers making traffic stops are suppose to approach the car and driver.

#### Status Update

The method of approaching stopped autos is covered in CPD's Professional Traffic Stops and Management Training. (See Attachments 18-20: power point presentation lesson plan , approval notice, and attendance reports for that training.)

The Cincinnati Police Department requires its members to conduct themselves in a professional, courteous manner, consistent with professional standards. With respect to the manner in which members of the Police Department explain to citizens the reason for their stop, CPD has created and implemented two new procedures. (See Attachment 21: Procedure 12.205 Traffic Enforcement.) (See Attachment 22: Procedure 12.554 Investigatory Stops)

## **F. CITIZEN COMPLAINT AUTHORITY**

### *Item 64, Designation of an Assistant City Solicitor*

#### Monitor's Assessment

None Noted

#### Status Update

Laura Porter, Assistant City Solicitor, was selected in September 2002 to provide legal counsel on a routine basis to the CCA Board. Deborah Wyler, Assistant City Solicitor, replaced Ms. Porter in March 2003.

### *Item 69, Five Professional Investigators and support personnel*

#### Monitor's Assessment

CCA is in the process of hiring new investigators.

#### Status Update

Resumes from 128 individuals were received from an advertisement published in October 2002. In addition, contacts were made with the following organizations: State and National NAACP, Cincinnati Bar Association, National Bar Association for African Americans, Greater Cincinnati African American Chamber of Commerce, National Organization of Black Law Enforcement Executives, International Association of Chiefs of Police, Sentinels, FOP, Cincinnati Enquirer and Herald, Cincinnati Human Relations Commission, City of Cincinnati Internet and Intranet, The National Urban League, Inc., National Black Police Association and National Association of Blacks in Criminal Justice.

As a result, four professional investigators were selected from the original job announcement process. (See Attachment 23: biographies of new investigators.) The new investigators began working for the CCA on April 7, 2003. To fill the fifth position, a new job announcement was initiated with a closing date of May 30, 2003. (See Attachment 24.) CCA anticipate hiring the fifth investigation by July 2003.

### *Item 70-75, CCA Investigation Process, Intake, Assignments, CPD and City Cooperation and Investigations*

#### Monitor's Assessment

The Parties are in the process of defining whether CCA investigators should be allowed to begin their investigation and monitor CPD work and interviews, until after the investigations have been completed.

#### Status Update

The CCA Executive Director, Chief of Police and key members of the Chief's staff have met to identify key issues and problem areas that will directly impact information exchange and investigation coordination. Initial trial processes were

discussed which will be implemented and monitored in the coming weeks prior to full implementation and/or development of written policy, subject to the approval of the parties. The CCA Executive Director has also met with CBUF/ACLU representatives in order to learn community expectations. The CCA Director has established a weekly meeting agreement with the Cincinnati Police Department's Assistant Chief of Police in charge of administrative processes. In addition, the Executive director has a standing bi-monthly meeting with the City Manager and Police Chief to discuss issues impacting the successful operation of CCA. (See Attachment 25 for a list of meetings that involved discussion of issues impacting the implementation of CCA's goals and the CA.)

Since investigative time frames may be impacted by accessibility to documents, the CCA and the Cincinnati City Solicitor are reviewing public records requirements and current policy to determine how best to handle this issue.

#### *Item 76 - 78 CCA Board Action*

##### Monitor's Assessment

None Noted

##### Status Update

A draft copy of the "Policy and Guidelines" was approved by the CCA Board during their regular meeting on May 5, 2003. (See Attachment 26.) The approved draft will be distributed to collaborative members before final distribution.

#### *Item 80-81, Records*

##### Monitor's Assessment

None Noted

##### Status Update

Preliminary decision between CCA and CPD has been underway.

#### *Item 82-87, Prevention*

##### Monitor's Assessment

None Noted

##### Status Update

The Executive Director is compiling a list of variables necessary for effective data capture and reporting for trend analysis and problem solving. The list will be utilized to modify current data capture to review and analyze complaints, actions, discipline and their impact on nature and number of complaints in the future.

## **G. MISCELLANEOUS**

### Monitor's Assessment

At the most recent meeting between the Parties and the Monitor, the latter requested the former to better define the following three phrases: "The City shall . . . "; "The Parties shall . . . "; and "The City, in consultation with the Parties, shall . . . "

### Status Updated

The Parties have begun working on this task. Some informal suggestions have already been made. A formal meeting is set for June 5, 2003. At that time the Parties hope to be able to sufficiently answer the Monitor's questions.

The Parties continue to hold monthly meetings to share information and discuss issues impacting the implementation of the CA. (See Attachment 27 for meeting minutes.)

## **APPENDIX**

- 1 Settlement Agreement
- 2 CPOP Presentation to the Department Directors on March 4, 2003
- 3 Action Plan for City of Cincinnati Community Problem Oriented  
Policing
- 4 CPOP Departmental Contact List – February 25, 2003
- 5 Draft CPOP web site – ez Trak
- 6 Letter to Mr. Gerhardstein from City Manager Lemmie dated April 24,  
2003
- 7 Al Gerhardstein’s response letter to Ms. Lemmie
- 8 SARA Training agenda for neighborhoods and supporting documents
- 9 SARA Training Schedule for neighborhoods by District
- 10 Revised proposal for the CRU
- 11 Community Relations Manager’s Job description
- 12 CRU’s accomplishments since January 6, 2003
- 13 Second Letter from Mr. Gerhardstein to Ms. Lemmie
- 14 Notes from a conference call on April 17, 2003
- 15 Contract between the City of Cincinnati and Zaid A. Ansari
- 16 Draft Request for Proposal (RFP)
- 17 Minutes from meeting on Traffic Stop Analysis
- 18 Power Point Presentation/Bias-Free Policing Training Curriculum
- 19 Approval for Training - Conducting Effective Traffic Stops and  
Preventing Biased-Based Profiling
- 20 Cincinnati Police Training Section Attendance Report
- 21 12.205 Traffic Enforcement
- 22 12.554 Investigatory Stops
- 23 Biographies of Newly Hired CCA Investigators
- 24 CCA Investigators Job Posting
- 25 List of Meetings involved Discussions of CCA Goals and the CA
- 26 CA Citizen Complaint Authority-Policies and Guidelines
- 27 Minutes from Steering Committee Meetings